

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:06CR74-P-D

SHARON SMITH, ET AL.,

DEFENDANTS.

ORDER CONTINUING TRIAL

These matters come before the court upon Defendant Sharon Smith's Motion for Continuance [70-1] and Defendant Nicole Smith's Motion for Continuance [71-1]. Upon due consideration of the motions, the court finds as follows, to-wit:

Trial for all seven defendants is currently set for July 24, 2006. Given that granting a continuance for one defendant will continue trial for all defendants, the court finds Nicole Smith's motion moot since her motion is the latter of two. In Sharon Smith's motion, counsel avers that he needs additional time in which to review several hundred pages of discovery recently provided to him on June 29, 2006. Furthermore, counsel requests additional time in which to advise his client regarding a possible plea offer versus preparation for trial. The Government has filed no objection to a continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from July 24, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant Sharon Smith's Motion for Continuance [70-1] is hereby **GRANTED**;
- (2) Defendant Nicole Smith's Motion for Continuance [71-1] is **DENIED AS MOOT**;
- (2) Trial of this matter is continued until Monday, August 28, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from July 24, 2006 to August 28, 2006 is excluded from Speedy Trial Act considerations as set out above;
- (4) The deadline for filing pretrial motions is August 7, 2006; and
- (5) The deadline for submitting a plea agreement is August 14, 2006.

SO ORDERED this the 5th day of July, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE